



PUBLIC NOTICE

Federal Communications Commission
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DA 02-2122
August 29, 2002

COMMENTS INVITED ON KMC TELECOM III, INC. APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

Comp. Pol. File No. 602

Comments Due: September 12, 2002

Section 214 Application

Applicant: KMC Telecom III, Inc.

On **August 2, 2002**, **KMC Telecom III, Inc.** (KMC or Applicant) located at **1755 North Brown Road, Lawrenceville, Georgia 30043** filed an application with the Federal Communications Commission (FCC or Commission), requesting authority under section 214(a) of the Communications Act of 1934, as amended¹, to discontinue the provision of domestic telecommunications service to certain customers in Maryland.

The application indicates that KMC has limited operations in Maryland and serves approximately 105 business customers in Maryland. The application states KMC will discontinue services to certain customers in the Maryland cities of Rockville, Kensington, Clarksburg, Ijamsville, Gaithersburg, Montgomery Village, Washington Grove and Frederick. The Applicant describes the type of services affected as fiber-based voice and data services to businesses, institutions and internet service providers.

The application indicates on July 31, 2002, notices were mailed to KMC's customers in Maryland advising them of the proposed discontinuance of service by KMC and the need to arrange service from another carrier. The anticipated date for KMC's discontinuance of service is on or after September 30, 2002.

In accordance with section 63.71(c), the application will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this notice, unless the Commission has notified Applicant that the grant will not be automatically effective.² The Commission will

¹ 47 U.S.C. § 214(a). *See also* 47 C.F.R. § 63.71.

² 47 C.F.R. § 63.71(c).

normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a “permit but disclose” proceeding for purposes of the Commission's *ex parte* rules.³ Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before **September 12, 2002**. Such comments should refer to **Comp. Pol. File No. 602**.⁴ Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. The original and four (4) copies of the comments should be sent to the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW, Room 6-A207, Washington, DC 20554, Attention: Carmell Weathers. In addition, Comments should be served upon Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at qualexint@aol.com.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), cweather@fcc.gov, or John Adams (202) 418-XXXX (voice), jkadams@fcc.gov, of the

³ See generally 47 C.F.R. §§ 1.1200 - 1.1216.

⁴ 47 C.F.R. §§ 1.415, 1.419.

Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud

-FEDERAL COMMUNICATIONS COMMISSION-